

Appl. No. : 10/803,274
Filed : March 18, 2004

REMARKS

Please reconsider the above-identified application in view of the following remarks.

Election of Species

The Examiner indicates that there is not any allowable generic or linking claim. Applicant respectfully submits that Claim 1 is allowable and is generic to the identified "species," which actually are simply drawings of various components of the same vehicle. Claims 21 and 22 also are generic. Thus, Applicant requests consideration of Claims 3, 5-6 9 and 17 on the merits.

The Specification Has Been Amended

The specification has been amended to fill in the filing date data relating to each of the applications incorporated by reference, which were already identified by attorney docket number and title.

The specification also has been amended to correct a typographical error in paragraph [0089].

No new matter is added by these amendments and entry of the amendments is respectfully requested.

Claim 16 Has Been Amended

Claim 16 has been amended to correct a grammatical error in the language. This amendment does not change the scope of the claim. Entry of the amendment is respectfully requested.

Claims 1, 2, 4, 7, 12-16 and 18-23 Are Not Anticipated by Matsumoto et al.

Claims 1, 2, 4, 7, 12-16 and 18-23 have been rejected as anticipated by Matsumoto et al. (United States Patent No. 5,950,748). Applicant disagrees.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If any single limitation of the claim is not found in the prior art reference, the claim is not anticipated.

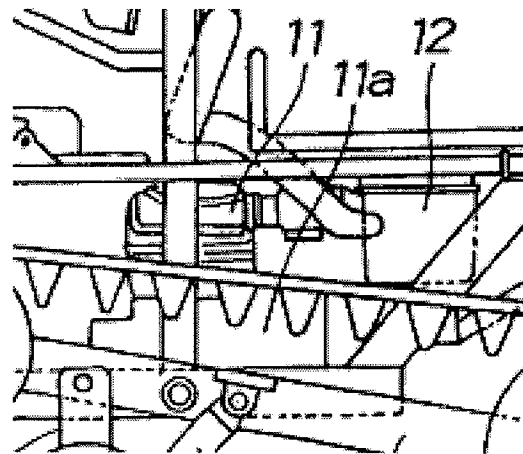
As explained beginning at paragraph [0089] of the present application, in order to inhibit heat in the transmission from deteriorating the belt, the transmission has a cooling system that introduces ambient air into the v-belt housing and discharges the air to an external location outside of the housing. The airflow through the housing prevents the heat from building and thus

keeps the belt and the pulleys relatively cool. See paragraph 0097. Because of the elevation of the inlet opening and the outlet opening, even if the wheels of the vehicle are submerged, water will not likely enter the transmission housing. See paragraph 0098.

Claim 1

Claim 1 recites, among other limitations, a housing configured to house at least a portion of a transmission, the housing having an air inlet duct through which ambient air enters the housing and an air outlet duct through which the air leaves the housing, the air inlet duct having an air inlet opening, the outlet duct having an outlet opening, and the inlet and outlet openings positioned higher than the wheels.

Figure 5 of Matsumoto et al., a portion of which is shown to the right, shows an air cleaner 12 that is connected to the engine 11. An air intake pipe 13 (downwardly extending tube in middle and angling fore and aft in portion to right) leads to the air cleaner 12. See Col. 5, lines 36-39. As shown, the air cleaner 12 is connected to the engine 11 and not to the transmission 11a. Thus, Matsumoto et al. does not disclose a housing configured to house at least a



portion of the transmission, the housing having an air inlet duct through which air enters the housing and an air outlet duct through which air leaves the housing. At best, Matsumoto disclosed an air inlet duct leading into an air cleaner, which was directly connected to an engine. There is no connection between the air inlet duct 13 and the transmission 11a.

Thus, Claim 1 is not anticipated by Matsumoto. Reconsideration and allowance of Claim 1 are respectfully requested.

Claims 2, 4, 7, 12-16 and 18-20

Claims 2, 4, 7, 12-16 and 18-20 ultimately depend from Claim 1. These dependent claims are not anticipated for at least the same reasons that Claim 1 is not anticipated. Moreover, at least some of these claims recite further patentable distinctions. For instance, Claim 15 recites that the air inlet duct at least in part is positioned between two seat assemblies. Reconsideration and allowance of Claims 2, 4, 7, 12-16 and 18-20 are respectfully requested.

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Claim 21

Claim 21 recites, among other limitations, a housing configured to house at least a portion of the transmission and means for introducing ambient air into the housing and discharging the air from the housing and for inhibiting water from entering the housing. As described above, Matsumoto did not disclose any structure for introducing air into, or removing air from, the housing that is configured to house at least a portion of the transmission. Thus, Claim 21 is not anticipated by Matsumoto. Reconsideration and allowance of Claim 21 are respectfully requested.

Claim 22

Claim 22 recites, among other limitations, a housing configured to house at least a portion of the transmission, the housing having an air inlet duct through which ambient air enters the housing and an air outlet duct through which the air leaves the housing. Again, as discussed above, Matsumoto failed to disclose an air inlet duct and an air outlet duct for the transmission housing. Thus, Claim 22 is not anticipated by Matsumoto. Reconsideration and allowance of Claim 22 are respectfully requested.

Claim 23

Claim 23 depends from Claim 22 and is not anticipated for at least the same reasons that Claim 22 is not anticipated. Thus, reconsideration and allowance of Claim 23 are respectfully requested.

Allowance of Claims 8, 10 and 11

Applicant notes with appreciation that Claims 8, 10 and 11 have been indicated as containing allowable subject matter. For the reasons discussed above, Applicant submits that Claim 1, from which each of these claims ultimately depends, also is allowable. Therefore, Applicant has not rewritten these claims into independent form at this time.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

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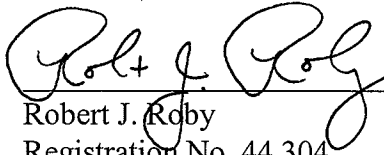
issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 12-8-2006

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